

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSEPH A. ELLIOTT, SR.,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-1101</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
v.	:	
	:	
<b>SUPERINTENDENT DONALD VAUGHN, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 23rd day of March 2006, upon consideration of plaintiff's motion for permission to appeal (Doc. 122) orders denying plaintiff's motion for a temporary restraining order and for appointment of counsel (Doc. 122, p. 5), and it appearing that permission to appeal is not required, See FED. R. APP. P. 3(a), 5; 28 U.S.C. §§ 1291, 1292 (a)(1); FED. R. CIV. P. 54; see also, In re Diet Drugs Products Liability Litigation, 401 F.3d 143, 158 (3d Cir. 2005) (recognizing that the collateral order doctrine relaxes the strict standard of finality by permitting the appellate court to entertain appeals from certain orders that would not otherwise be appealable final decisions), it is hereby ORDERED that the motion is DENIED without prejudice to plaintiff's right to file an appeal.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge